



Attorney Docket No. 8793-51978

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: Mazumder, Mark M., et al.

Appl. No.: 10/771,647

Group Art Unit: 3738

Filed: 02/04/2004

Examiner:

For: Encased Stent

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

TRANSMITTAL

1. Transmitted herewith for filing in the patent application identified above are the following documents:

- a. Supplemental Information Disclosure Statement, modified Forms PTO/SB/08A and 08B and a copy of citations.
- b. Statement under 37 CFR 3.73(b)--Establishing Right of Assignee to Take Action.

CERTIFICATE OF MAILING

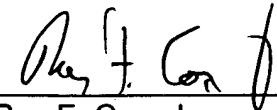
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on: July 26, 2004

*Ray F. Cox Jr.*  
Ray F. Cox, Jr.

- c. Power of Attorney by assignee.
- d. Statement Claiming Small Entity Status--Non-profit Organization.

Respectfully submitted,



Ray F. Cox, Jr.  
Wright, Lindsey & Jennings LLP  
200 West Capitol Avenue, Suite 2300  
Little Rock, Arkansas 72201

Date: July 26, 2004  
Reg. No. 33,669  
Cust. No. 44692  
Tel. (501) 371-0808

Attorney Docket No. 8793-51978

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IN RE THE PATENT APPLICATION OF: Mazumder, Mark M., et al.

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**STATEMENT CLAIMING SMALL ENTITY STATUS -**  
**NON-PROFIT ORGANIZATION**

I hereby state that I am an official empowered to act on behalf of the non-profit organization identified below:

Board of Trustees of the University of Arkansas

University of Arkansas  
2404 North University Avenue  
Little Rock, Arkansas 72207-3608

Type of Organization: University

I hereby state that the non-profit organization identified above qualifies as a non-profit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees to the United States Patent and Trademark Office with regard to the invention described in the specification filed herewith and identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the non-profit organization with regard to the above identified invention. No rights to the invention are held by any person, other than the inventor, who would not qualify as a person under 37 CFR 1.27(a)(1) if that person made the invention, or by

any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a non-profit organization under 37 CFR 1.27(a)(3).

[Note: If the rights held by the non-profit organization are not exclusive, each individual, concern or organization having rights in the invention must file separate statements stating their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as a person under 37 CFR 1.27(a)(1) if that person made the invention, or by any concern which would not qualify as a small business under 37 CFR 1.27(a)(2) or a non-profit organization under 37 CFR 1.27(a)(3).]

Each such person, concern or organization having any rights in the invention is listed below:

No such person, concern or organization exists.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

Date: 7/2/04



Ann Kemp  
Vice President for Finance and Administration  
2404 North University Avenue  
Little Rock, Arkansas 72207-36084

Attorney Docket No. 8793-1978



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Applicants submits herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

Some of the documents attached hereto may have markings thereon. No significance is meant to be attached to the markings. These documents are not necessarily analogous art.

The filing of this Supplemental Information Disclosure Statement shall not be construed as a representation that a search has been made, an admission that the material cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this Supplemental Information Disclosure Statement shall not be construed as an admission against interest in any manner. A list of the patents and other documents which accompanies this statement is set forth on the attached

modification of Forms PTO/SB/08A and 08B. A copy of each of the items on the attached list is supplied herewith.

The present application claims the benefit of the filing date of U.S. Provisional Application No. 60/445,033 filed February 5, 2003. Only the year of publication of Cite No. DZ is supplied herewith, however the date of publication of this citation is sufficiently earlier than the effective filing date so that the particular month of publication is not in issue.

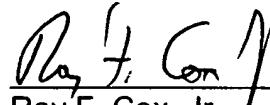
Cite No. DY was found on a website. The following efforts were made in an attempt to determine the actual publication date of Cite No. DY since the only date associated with the paper is a copyright date of 2002. The undersigned spoke to the paper's lead author, Dr. Michael Szycher, at CardioTech International on June 30, 2004. Dr. Szycher was not able to provide any information about the actual publication date of the paper and referred the undersigned to Implant Sciences Corporation. At Implant Sciences the undersigned was referred to Mr. Lucas. A message was left for Mr. Lucas who has not returned the call as of the date of transmittal of this Supplemental Information Disclosure Statement. The USPTO website was searched to determine whether any of the authors of Cite No. DY had a patent or pending patent application. Published Patent Application US2002/0133224, enclosed herewith as Cite No. AW indicates Michael Szycher as one of two joint inventors and appears to disclose similar matter to that in Cite No. DY. Although the correspondence address given in Cite No. AW is for the law firm of Foley Hoag LLP, a search of the PAIR information associated with the published patent application indicates a change of attorney occurred on April 27, 2004. Information associated with an Assignment recorded at roughly the same

time, February 11, 2004, indicates a correspondence address of Choate, Hall & Stewart, Donald W. Muirhead, Patent Group, Exchange Place, 53 State Street, Boston, MA 02109-2804. The Assignment is to Implant Sciences Corporation and Cardiotech International. It is presumed therefore that Choate, Hall & Stewart currently represent Implant Science Corporation and CardioTech International and would be in a position to assist in determining the date of publication of Cite No. DY. A letter requesting such assistance was sent to Choate, Hall & Stewart on July 6, 2004. No reply has been received as of the date of transmittal of this Supplemental Information Disclosure Statement.

The person making this statement is the attorney who signs below on the basis of information in the attorney's file.

Respectfully submitted,

Date: July 26, 2004  
Reg. No. 33,669  
Cust. No. 44692  
Tel. (501) 371-0808

  
\_\_\_\_\_  
Ray F. Cox, Jr.  
Wright, Lindsey & Jennings LLP  
200 West Capitol Avenue, Suite 2300  
Little Rock, Arkansas 72201



**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known	
Application Number	10/771,647
Filing Date	02/04/2004
First Named Inventor	Mazumder, M., et al.
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	8793-51978

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2 Attorney Docket Number 8793-51978

**Complete if Known**

Correspondence Address	
Application Number	10/771,647
Filing Date	02/04/2004
First Named Inventor	Mazumder, M., et al.
Group Art Unit	3738
Examiner Name	

## NON PATENT LITERATURE DOCUMENTS

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_